

Message Text

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SUBJ: ABA MISSION FOLLOW-UP: MORE FROM EL DIA, A LITTLE FROM
EL PAIS

REF: MONTEVIDEO 1293 (DTG: 181454Z APR 78)

1. INDEPENDENT EL DIA HAS CONTINUED ITS OPEN SUPPORT (REFTEL)
OF THE CONCLUSIONS AND REMEDIES PRESENTED BY THE ABA MISSION.
AN APRIL 20 FEATURE EDITORIAL, "FREE PROFESSORS AND INDEPENDENT
JUDGES" PICKS UP THE BULTER/REQUE MEMORANDUM'S OBSERVATIONS
THAT "IN THE RETURN TO NORMALITY, AN INDISPENSABLE INGREDIENT
IN THE ADMINISTRATION OF JUSTICE IS THE DUTY AND OBLIGATION
OF THE PROFESSORS OF THE FACULTY OF LAW TO DISCUSS JURIDICAL
PROBLEMS FREELY WITH THEIR STUDENTS". EL DIA GOES ON TO
DECLARE THAT THIS PROPOSITION HAS "PERMANENT AND UNIVERSAL
VALIDITY".

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2. AMPLIFYING THIS THEME, THE EDITORIAL GOES ON TO STATE
THAT "THE INDEPENDENCE OF JUSTICE AND OF JUDGES IS THE ESSENCE
OF DEMOCRACY" AND THAT, ESSENTIAL TO THIS INDEPENDENCE IS
THE PHYSICAL AND MORAL INDEPENDENCE OF THE JUDICIARY ITSELF.
AND THE JUDGES OF THE FUTURE CAN ONLY FORM THE NECESSARY
HABITS OF RECTITUDE AND MORAL INDEPENDENCE FROM LAW PROFESSORS
WHO ARE, IN THE ABA MEMORANDUM'S LANGUAGE, "FREE OF POLITICAL

INTERFERENCE". SUCH LIBERTY MUST, THEREFORE, EXIST IN THE SELECTION AND FUNCTIONING OF THE FACULTY OF LAW, "IF IT IS TO BE EXPECTED TO CARRY OUT THIS RESPONSIBILITY".

3. THE EDITORIAL THEN INDULGES IN A BIT OF "HEALTHY PATRIOTISM" OBSERVING THAT THE PAST INDEPENDENCE AND BRILLIANCE OF THE SCHOOL OF LAW IS A "SACRED TRADITION OF THE URUGUAYAN IDEA OF EDUCATION, NOTHING ELSE BUT ... THE DEMOCRATIC IDEAL OF EDUCATION". IT CONCLUDES WITH AN APPEAL TO ARTIGAS HIMSELF, WHO IN HIS WRITINGS CALLED FOR EVERY EFFORT "NECESSARY TO PRESERVE THE ADVANTAGES OF LIBERTY", WHEREBY "EVERY CITIZEN WILL BE JUDGED BY THE MOST IMPARTIAL JUDGES" FOR THE PROTECTION "OF THE RIGHTS OF HIS LIFE, LIBERTY, PROPERTY, AND THE HAPPINESS OF HIS POLITICAL EXISTENCE", AND WHO URGED THAT EVERY CITIZEN BE GIVEN "INSTRUCTION IN THE RIGHTS OF MAN".

4. THE PRO-GOVERNMENT EL PAIS, MEANWHILE, HAS NOT ATTEMPTED ANY SUCH FORTHRIGHT FOLLOWUP ON THE ABA VISIT. IT HAS, HOWEVER, OVER THE PAST SEVERAL DAYS PRINTED SOME LOW-KEY BUT DECIDEDLY USEFUL EDITORIAL COMMENT PRAISING THE CONSTRUCTIVE SPIRIT IN WHICH THE VISIT WAS RECEIVED AND IN WHICH THE BUTLER/REQUE MEMORANDUM IS BEING CONSIDERED. THIS IS COUNTERED SOMEWHAT BY A LENGTHY APRIL 20 FEATURE EDITORIAL CAPTIONED "GENEROSITY OF OUR GUARDIANS" WHICH SARCASTICALLY COUNSELS THE U.S. THAT "CHARITY BEGINS AT HOME". THE GIST OF ITS MESSAGE IS THAT THE U.S. IS MISGUIDEDLY WASTING ITS EFFORTS IN A WORLDWIDE CONCERN LIMITED OFFICIAL USE

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FOR HUMAN RIGHTS. AT A TIME WHEN, FOR EXAMPLE, URUGUAY -- FOCUS OF MUCH AMERICAN ATTENTION -- IS LIVING IN "A CLIMATE OF SECURITY AND PEACE", THE U.S. IS GRAVELY THREATENED BY MARXIST-INSPIRED VIOLENCE. BASIS FOR THE EDITORIALIST'S PRESUMED CONCERN IS TESTIMONY (DATE NOT GIVEN) BY ONE PHILLIP ABBOT LUCE, A FORMER PROGRESSIVE LABOR PARTY MEMBER, BEFORE THE SENATE INTERNAL SECURITY SUB-COMMITTEE.

5. COMMENT: THE EL DIA EDITORIAL STRIKES AN EXCELLENT NOTE, PICKING UP THE MOST CENTRAL THEME OF THE ABA VISIT AND PRESSING IT VIGOROUSLY WHILE AVOIDING UNNECESSARY POLEMICS. THE PIECE WAS PROBABLY WRITTEN BY ANIBAL BARBAGELATA, ONE OF EL DIA'S THREE-MAN EDITORIAL BOARD, AND ESPECIALLY WELL-QUALIFIED ON THE SUBJECT. CURRENTLY VICE PRESIDENT OF THE LOCAL BAR ASSOCIATION AND FOR YEARS ONE OF THE LAW SCHOOL'S MOST PRESTIGIOUS PROFESSORS, BARBAGELATA WAS RECENTLY EXPELLED FROM THE FACULTY IN A MOVE ASCRIBED TO THE PERSONAL ANIMUS OF ULTRA-REACTIONARY JUSTICE MINISTER BAYARDO BENGEOA. THE EL PAIS EDITORIAL IS MORE IN ITS AGGRESSIVE STYLE OF SOME MONTHS BACK AND STRUCK LOCAL OBSERVERS AS SOMETHING OF AN ANOMALY.

6.DEPARTMENT MAY WISH TO INFORM BUTLER AND REQUE OF ABOVE.
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